

DOCKET NO.: PUAS-0016

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#22

In Re Application of:

Stephen R. Forrest, Milind R. Gokhale,

Confirmation No.: 8094

Pavel Studenkov

Application No.: 09/982,001

Group Art Unit: 2874

Filing Date: October 18, 2001

Examiner: Akm E. Ullah

For: TWIN WAVEGUIDE BASED DESIGN FOR PHOTONIC INTEGRATED
CIRCUITS

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DATE OF DEPOSIT: November 5, 2004

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TYPED NAME: John McGlynn
REGISTRATION NO.: 42,863

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PETITION FOR WITHDRAWAL OF ABANDONMENT

Applicant petitions that the abandonment set forth in the Notice mailed by the Office on September 20, 2004 for failure to timely file corrected drawings as set forth in the Notice of Allowability dated April 29, 2004 be withdrawn as the subsequent Supplemental Notice of Allowability dated June 3, 2004 indicated no such drawings were required. Therefore, there has in fact been no abandonment.

Applicants received a Notice of Allowance dated April 29, 2004 indicating that the drawings filed with the application were not accepted by the Examiner. However, during a subsequent telephone conference with Examiner Ullah, Applicants' undersigned representative advised the Examiner that formal drawings had been filed and accepted in

parent Application No. 09/337,785 which was incorporated by reference into the present application and which at that time was also accessible to the Examiner. Applicants requested that the drawings from the parent application be used in the present case. The Examiner agreed. Applicants' undersigned representative further requested that the Examiner indicate in writing that filing of new formal drawings in the present application was not required in order for the application to pass to issuance. Applicants subsequently received a Supplemental Notice of Allowance dated June 3, 2004 (copy enclosed herewith) indicating that the drawings were in fact accepted and not required to be filed in order for the application to pass to issuance. Applicants' undersigned representative relied upon this Supplemental Notice of Allowance as confirming that filing of new formal drawings was not required. Therefore, it is respectfully submitted that the present application was not abandoned.

For the convenience of the Office, Applicants' undersigned representative encloses herewith a copy of the drawings that were filed in parent Application No. 09/337,785 and which for the reasons stated above had been believed to have been entered in the present application.

Accordingly, in light of the foregoing remarks, applicants respectfully request that the abandonment be withdrawn and the application proceed to issuance without further delay.

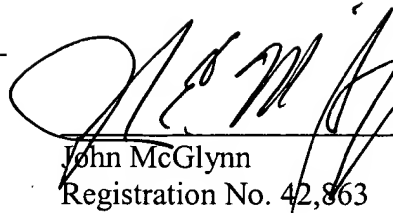
- ☒ Applicants authorize the Commissioner to charge Deposit Account No. 23-3050 in the amount of the petition fee. However, as no defect exists in applicant's previous submission, an immediate refund of the petition fee is requested.
- ☒ The Commission is hereby authorized to charge payment of the above fees associated with this communication or credit any overpayment to Deposit Account No. 23-3050. This sheet is attached in duplicate.

DOCKET NO.: PUAS-0016

Date: November 5, 2004

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- 3 -



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,001	10/18/2001	Stephen R. Forrest	PUAS-0016	8094

7590
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Woodcock Washburn

EXAMINER

ULLAH, AKM E

ART UNIT PAPER NUMBER

2874

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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DOCKET DEPT
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Suppl. Notice of Allowability



Application No.

09/982,001

Examiner

Akm Enayet Ullah

Applicant(s)

FORREST ET AL.

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to April 30, 2004.
2. ☒ The allowed claim(s) is/are 41-67.
3. ☒ The drawings filed on 10-18-01 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: ____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
(a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

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Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No. _____.
(b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
(c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- 1 ☐ Notice of References Cited (PTO-892)
3 ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
5 ☒ Information Disclosure Statements (PTO-1449), Paper No. 19.
7 ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- 2 ☐ Notice of Informal Patent Application (PTO-152)
4 ☐ Interview Summary (PTO-413), Paper No. _____.
6 ☐ Examiner's Amendment/Comment
8 ☐ Examiner's Statement of Reasons for Allowance
9 ☐ Other

Aullah
Akm Enayet Ullah
Primary Examiner
Art Unit: 2874